

Monday, May 14, 1923

The Senate met at 10 o'clock A. M.

The President in the Chair.

The roll was called and the following Senators answered to their names:

Mr. President, Senators Anderson, Butler, Calkins, Colson, Cone, Eaton, Epperson, Etheredge, Hodges, Igou, Knight, Lindsey, MacWilliams, Malone, Mapoles, Mitchell, Overstreet, Phillips, Rowe, Russell, Scales, Shelley, Stokes, Taylor, Wells, Wicker—28.

A quorum present.

Prayer by the Chaplain.

Reading of the Journal was dispensed with.

The Journal of Saturday, May 12th, was corrected and as corrected was approved.

The Daily Journal of the Senate of Friday, May 4, 1923, was corrected as follows:

On line one (1) of page forty-four (44) of said Journal insert between the word "moved" and the word "that" the words "that the rules be waived and" so as to make the line of said page of said Journal read: "Mr. Calkins moved that the rules be waived and that Senate Bill No. 231 be taken".

The daily printed Journal of Thursday, May 10th, 1923, is hereby corrected: On the end of line 1 and the beginning of line 2 of page 11 of said Journal to read "\$30,000.00" instead of "\$40,000.00" as it appears in said printed Daily Journal.

INTRODUCTION OF SENATE RESOLUTION.

Mr. Hodges offered the following Resolution:
Senate Resolution No. 17:

Whereas, The House of Representatives, by its rules, set aside not less than one day each week for the consideration of Senate Bills on Second Reading only, in preference to House Bills; and

Whereas, It is but just and proper that the Senate should do likewise for the benefit of the House of Representatives; now, therefore, be it

Resolved by the Senate, That the Secretary of the Senate, beginning with Monday, May 14th, 1923, shall group all House Bills on Second Reading on the Senate Calendar under one heading, to be designated "House Bills on Second Reading," and that Wednesday of each week, during the remainder of the season, be set aside by the Senate for the consideration of such special calendar of House Bills on Second Reading only, for the purpose of either passing said House Bills to Third Reading or otherwise disposing of the same.

Which was read.

Mr. Hodges moved to adopt the Resolution.
The Resolution was agreed to.

INTRODUCTION OF BILLS.

By Mr. Eaton—

Senate Bill No. 492:

A bill to be entitled An Act to empower the City of Bartow to erect, equip and control a municipal auditorium, and to acquire and own lands for said purpose, and to levy a tax to maintain said auditorium, and to issue bonds to pay the cost of said auditorium and lands, and prescribing an election to authorize such bonds and the qualifications of electors at such election.

Which was read the first time by its title.

Mr. Eaton moved that the rules be waived and Senate Bill No. 492 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 492 was read a second time by its title only.

Mr. Eaton moved that the rules be further waived and that Senate Bill No. 492 be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 492 was read a third time in full.

Upon call of the roll on the passage of the bill the vote was:

Yeas—Mr. President, Senators Anderson, Calkins, Colson, Cone, Eaton, Epperson, Etheredge, Hodges, Igou, Knight, Lindsay, MacWilliams, Malone, Mapoles, Mitchell,

Overstreet, Phillips, Rowe, Russell, Shelley, Stokes, Taylor, Wells, Wicker—25.

Nays—None.

So the bill passed, title as stated.

By Mr. Malone—

Senate Bill No. 493:

A bill to be entitled An Act to legalize and validate the proceedings of the City of Key West, Florida, for the issuance of \$200,000 public improvement bonds of said city.

Which was read the first time by its title.

Mr. Malone moved that the rules be waived and Senate Bill No. 493 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 493 was read a second time by its title only.

Mr. Malone moved that the rules be further waived and that Senate Bill No. 493 be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 493 was read a third time in full.

Upon call of the roll on the passage of the bill the vote was:

Yeas—Mr. President, Senators Anderson, Butler, Calkins, Colson, Cone, Eaton, Epperson, Etheredge, Hodges, Igou, Knight, Lindsey, MacWilliams, Malone, Mapoles, Mitchell, Overstreet, Phillips, Russell, Shelley, Stokes, Wells, Wicker—24.

Nays—None.

So the bill passed, title as stated.

And the same was ordered to be certified to the House of Representatives.

CONSIDERATION OF OTHER RESOLUTIONS.

House Memorial No. 5:

Memorial to the Congress of the United States requesting the United States to have a survey made of all the unsurveyed lands in the State of Florida not embraced in the Everglades.

Whereas, There remains several thousand acres of lands in this State outside of the Everglades which have not yet been surveyed by the United States and which should be

surveyed by the United States to connect up with lands that have been surveyed in the same townships; and

Whereas, The United States Government is withholding patents for many lands on and near the St. Johns River and on and near several of the lakes in this State and also the islands in said lakes and other lands which should be patented to the State of Florida, pending such surveys, and especially such swamp lands as adjoin certain Spanish grants in this State; and

Whereas, It is seriously retarding the drainage and development by settlers and others of such unsurveyed lands in this State. Now, therefore, be it

Resolved by the Legislature of the State of Florida, That our Senators and Representatives in Congress are urged to do all in their power to secure a survey by the United States of all unsurveyed lands in this State, not embraced in the Everglades, and if necessary pass an Act of Congress directing that such survey be promptly made. Be it further

Resolved, That the Secretary of State be directed to supply each of our Senators and Representatives in Congress with a copy of this Memorial under the Great Seal of the State of Florida.

Was taken up in its order.

The Resolution was read a second time.

Mr. Mitchell moved to adopt the Resolution.

Which was agreed to.

The same was ordered to be certified to the House of Representatives.

Also—

The Following message from the House of Representatives was received:

House of Representatives,
Tallahassee, Florida, May 11, 1923.

Hon. T. T. Turnbull,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

House Bill No. 865:

A bill to be entitled An Act creating a Public Utilities Commission; providing for the election of its members; prescribing their duties, and authorizing the said Commission to sell electrical merchandise, electricity, power and water to consumers within and beyond the City limits of the City of Orlando.

Also—

House Bill No. 866:

A bill to be entitled An Act authorizing the City Utilities Commission of the City of Orlando, Florida, to incur certain indebtedness and to issue its promissory notes therefor.

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,

B. A. MEGINNISS,

Chief Clerk House of Representatives.

And House Bill No. 865 contained in the above message was read the first time by its title.

Mr. Taylor moved that the rules be waived and House Bill No. 865, be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 865, was read a second time by its title only.

Mr. Taylor moved that the rules be further waived and that House Bill No. 865, be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 865, was read a third time in full.

Upon call of the roll on the passage of the bill the vote was:

Yeas—Mr. President, Senators Anderson, Butler, Calkins, Colson, Cone, Epperson, Etheredge, Hodges, Igou, Knight, Lindsey, MacWilliams, Malone, Mapoles, Mitchell, Overstreet, Phillips, Rowe, Russell, Shelley, Stokes, Taylor, Wicker—25.

Nays—None.

So the bill passed, title as stated.

And the same was ordered certified to the House of Representatives.

And House Bill No. 866, contained in the above message, was read the first time by its title.

Mr. Overstreet moved that the rules be waived and House Bill No. 866 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 866 was read a second time by its title only.

Mr. Overstreet moved that the rules be further waived and that House Bill No. 866 be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 866 was read a third time in full.

Upon call of the roll on the passage of the bill the vote was:

Yeas—Mr. President, Senators Anderson, Butler, Calkins, Colson, Cone, Eaton, Epperson, Etheredge, Hodges, Igou, Knight, Lindsey, MacWilliams, Malone, Mapoles, Mitchell, Overstreet, Phillips, Rowe, Russell, Shelley, Stokes, Taylor, Wicker—25.

Nays—None.

So the bill passed, title as stated.

And the same was ordered certified to the House of Representatives.

Also—

The following message from the House of Representatives was received:

House of Representatives,
Tallahassee, Fla., May 14, 1923.

Hon. T. T. Turnbull,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

Senate Bill No. 166:

A bill to be entitled An Act to amend Section 1858, Revised General Statutes of Florida, pertaining to assessment of one-third of expense of certain improvements against property specially benefited thereby by cities and towns.

Also—

Substitute for Senate Bill No. 270:

A bill to be entitled An Act providing a supplemental, additional and alternative method of making local improvements in cities, towns and municipal corporations, authorizing and providing for special assessments for the cost thereof, and authorizing the issuance and sale of bonds of such municipalities in connection with said local improvements, said bonds to be general obligations of the municipalities.

Very respectfully,

B. A. MEGINNISS,

Chief Clerk House of Representatives.

And Senate Bill No. 166 and Substitute for Senate Bill No. 270, contained in the above message, were read the first time by their titles and referred to the Committee on Enrolled Bills.

Also—

The following message from the House of Representatives was received:

House of Representatives,
Tallahassee, Fla., May 14, 1923.

Hon. T. T. Turnbull,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—
House Bill No. 271:

A bill to be entitled An Act relating to the State Road Department; imposing certain duties upon said department and conferring certain powers upon the same.

Also—

House Bill No. 272:

A bill to be entitled An Act assenting to and accepting the provisions of An Act of Congress approved July 11, A. D. 1916, and all amendments thereto, the same being entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and

for other purposes," and providing for the levy of a tax on all taxable property in the State to meet the same.

Also—

House Bill No. 643:

A bill to be entitled An Act to amend Section 1020 of Chapter three (3), Title six (6) of the Revised General Statutes of Florida, 1920, relating to registration of motor vehicles.

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,

B. A. MEGINNISS,

Chief Clerk House of Representatives.

And House Bills 271, 272 and 643, contained in the above message, were read the first time by their titles and referred to the Committee on Public Roads and Highways.

Also—

The following message from the House of Representatives was received:

House of Representatives,
Tallahassee, Florida, May 12, 1923.

Hon. T. T. Turnbull,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has refused to recede from its amendment to—

Senate Bill No. 176:

A bill to be entitled An Act to amend Sections 6217 and 6218 of the Revised General Statutes, relating to the working of County Convicts.

Which amendment is as follows:

"Strike out all after the enacting clause and insert the following: "Section 1. That Section 6217, Revised General Statutes of Florida, 1920, providing for the putting of County Convicts to labor, be amended to read as follows:

6217. County Convicts May Be Put to Labor.—The Board of County Commissioners of each County may em-

ploy all persons in the jail of their respective counties under sentence upon conviction for crime, at labor upon the roads, bridges, or other public works of the county where they are so imprisoned. Said County Convicts shall be kept and worked under such rules and regulations and supervision as may be prescribed by the Commissioner of Agriculture, with the advice and approval of the Board of Commissioners of State Institutions, and the Commissioner of Agriculture, with the approval of the Board of Commissioners of State Institutions, shall have the power to enforce all such rules and regulations. Upon the failure of any person in charge of said County Convicts to comply with such rules and regulations, the Commissioner of Agriculture, with the approval of the Board of Commissioners of State Institutions, shall have the right to require the discharge of such person.

It shall be the duty of Supervisors of State Convicts to inspect and supervise all County Convict Camps, under the direction of the Commissioner of Agriculture. Said supervisors shall make written reports to the Commissioner of Agriculture and shall send duplicate copies of said reports to the Board of County Commissioners of the County in which said Convicts so inspected were sentenced, which reports shall at all times be open to public inspection.

It shall be the duty of Boards of County Commissioners when working County Convicts on the public works of the counties, to provide or cause to be provided, Substantial food, clothes, Shoes, Medical Attention, etc., for said Convicts as are required for State Convicts in the State.

When a prisoner is discharged by reason of having served his sentence, or upon receiving a pardon or parole, he shall be furnished transportation, or its equivalent in money, back to the place from which he was sentenced, together with the sum of Five (\$5.00) Dollars, where the sentence is for Thirty (30) days, or more, in addition to his transportation, all of which shall be paid out of the general fund of the county in which he was convicted, and for the purpose of carrying out the provisions of this Act, the Clerk of the Board of County Commissioners of each county shall under the directions of said Board, issue a check on said fund with which to pay these amounts to the convicts being discharged at the time of his release.

Section 2. Section 6218, Revised General Statutes of Florida, 1920, providing for working County Convicts on

roads and bridges, and for leasing convicts to another county, to be amended so as to read as follows:

6218. Working County Convicts on Roads and Bridges or Other Public Works of the County, or may be Hired Out to Another County.—The Board of County Commissioners of the several counties are hereby authorized and empowered to require all County Convicts under sentence confined in the jail of their respective counties for any offense, to labor upon the Public Roads, Bridges, Farms or other public works owned and operated by the County, or in the event the County Commissioners of any county deem it to the best interest of their County, they may hire out their prisoners to any other County in the State to be worked upon the Public Roads, Bridges, or other Public Works of that County, or they may upon such terms as may be agreed upon between themselves and the State Road Department, lease or let said prisoners to the said Department instead of keeping them in the County Jail where they are sentenced, and the money derived from the hire of such Convicts shall be paid to the County hiring out such Convicts and placed to the credit of the Fine and Forfeiture Fund of the County.

The County Commissioners shall employ such guard, or guards as they may deem necessary, who shall be a man over the age of twenty-one years, and of good reputation, honest, sober, and a law abiding citizen, and each Board of County Commissioners working convicts under the provisions of this Act shall employ one Captain or Warden of Convicts, upon the approval of the Commissioner of Agriculture, whose qualifications shall be the same as is required of guards, and such Captain or Warden shall be the only person who shall be authorized to administer punishments to prisoners. Provided, all Captains, Wardens or Guards, and all persons having supervision or charge of Convicts shall be appointed with the approval of the Commissioner of Agriculture. The salaries of Captains, Wardens and Guards provided for in this Act shall be fixed by the Board of County Commissioners employing them, and the Captain or Warden shall be furnished means of transportation over the roads of the County, when necessary, the upkeep and operation of which shall be furnished by the County. Provided, however, the county shall not in any case be required to furnish a driver of such conveyance where such services are required to be

paid for. It shall be the duty of all Captains or Wardens of Convicts to see that all rules and regulations prescribed by Law or the Commissioner of Agriculture and the Board of Commissioners of State Institutions, are fully observed and complied with; to enforce discipline among the convicts in and about the camps, and to administer punishment to convicts, when, in his judgment, the same is necessary in order to enforce proper discipline, conforming always to the law and rules and regulations the same as is required of Captains and Wardens of State Convicts. Provided, however, all convict guards employed under the provisions of this Act shall be required to give bond in the sum of one thousand (\$1,000.00) dollars and all Captains so employed shall be required to give bond in the sum of twenty-five hundred (\$2,500.00) dollars, such bonds to be approved by the Board of County Commissioners of their respective Counties, payable to the Governor and his Successors in office, or Commissioner of Agriculture conditioned upon the performance of their duties and compliance with all rules and regulations duly prescribed for their conduct. Suit on such bonds may be brought by any convict sustaining injury or damage by reason of the breach of the condition of such bond.

All Boards of County Commissioners are hereby required to immediately discharge any Captain, Warden or Guard in their employ who shall be guilty of gross negligence or cruel and inhuman treatment to prisoners under their control, and their action shall be final.

All salaries contemplated by this Act shall be paid from the General Revenue Fund of the County.

No flogging or whipping of convicts in this State shall be lawful, and the same is hereby forever prohibited in the State of Florida, but the Commissioner of Agriculture shall have power to make and enforce suitable and reasonable rules and regulations for the government of such convicts while serving sentences in prison camps or jails, and to enforce the same by solitary confinement, restriction of privileges, or any other humane and reasonable method of punishment, and any convict in any jail or prison camp of this State who shall repeatedly, knowingly and wilfully refuse to obey any such reasonable rule or regulation while being subject thereto, shall be deemed guilty of a substantive offense, and upon conviction thereof, shall be punished as for a misdemeanor under the general laws of this State,

and such punishment shall upon his conviction be in addition to the sentence he is then serving. No convict shall be compelled to labor more than ten hours per day nor be subject to punishment for any refusal to labor beyond such limit. Provided, that the ten hours shall be the time embraced from the leaving of to the return of the prisoner to his place of detention.

Section 3. All county convicts in this State shall be placed at work under the provisions of this Act on or before the first day of January, A. D. 1924. No new contracts shall be made whereby county convicts shall be leased to work for any private interest after the passage of this Act and it shall become a law. All existing contracts heretofore lawfully made for the hire or lease of county convicts to private parties shall determine and become and be null and void on December 31st, A. D. 1923, any provisions therein contained to the contrary notwithstanding unless sooner determined in accordance with the terms thereof or of the provisions of law under which they were made.

Section 4. Nothing in this Act shall be construed to prohibit Boards of County Commissioners in Counties where a Board of Bond Trustees, Board of Public Works or other duly constituted board, have charge of the construction and maintenance of the public roads, from turning the County Convicts over to the said Trustees to be worked on the public roads of said County, subject to all the rules and regulations herein provided.

Section 5. This Act shall take effect upon its passage and approval by the Governor.

And respectfully requests the Senate to appoint a Conference Committee to act with a similar committee from the House.

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,

B. A. MEGINNISS,

Chief Clerk House of Representatives.

And the request of the House of Representatives was placed before the Senate.

Mr. MacWilliams moved that the Senate do accede to the request of the House of Representatives and that the President appoint a committee on the part of the Senate to act with a similar committee from the House of Repre-

sentatives to adjust the existing differences between the two houses, if possible.

Which was agreed to, and it was so ordered.

Also—

The following message from the House of Representatives was received:

House of Representatives,
Tallahassee, Florida, May 12, 1923.

Hon. T. T. Turnbull,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—
House Concurrent Resolution No. 7:

Whereas, the Constitution of the State of Florida expressly states in Section 6 of the Declaration of Rights that, "No preference shall be given by law to any church, sect or mode of worship, and no money shall ever be taken from the public treasury directly or indirectly in aid of any church, sect or religious denomination, or in aid of any sectarian institution." And,

Whereas, the public schools and colleges of this State, supported in whole or in part by public funds, should be kept free from any teachings designated to set up and promulgate sectarian views, and should also be equally free from teachings designated to attack the religious beliefs of the public, therefore be it

Resolved by the House of Representatives, the Senate concurring, that it is the sense of the Legislature of the State of Florida that it is improper and subservise to the best interests of the people of this State for any professor, teacher or instructor in the public schools and colleges of this State, supported in whole or in part by public taxation to each or permit to be taught atheism, agnosticism or to teach as true darwinism, or any other hypothesis that links man in blood relation to any other form of life.

And respectfully requests the concurrence of the State thereto.

Very respectfully,

B. A. MEGINNISS,
Chief Clerk House of Representatives.

And House Concurrent Resolution No. 7, contained in the above message was read the first time.

Mr. Hodges moved that the rules be waived and House Concurrent Resolution No. 7 be read a second time.

Which was agreed to by a two-thirds vote.

And House Concurrent Resolution No. 7 was read a second time only.

Mr. Hodges moved that the Resolution be adopted.

Which was agreed to.

And House Concurrent Resolution No. 7 was adopted and the same was ordered to be certified to the House of Representatives.

Also—

The following message from the House of Representatives was received:

House of Representatives,
Tallahassee, Fla., May 11, 1923.

Hon. T. T. Turnbull,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—
House Bill No. 458:

A bill to be entitled An Act amending Sections 1524, 1525 and 1527 of the Revised General Statutes of the State of Florida of 1920, relating to the annual budget of the Board of County Commissioners of the several counties of the State of Florida, by inserting therein the words "the 1st day of January," in lieu of the words "the 1st day of October," wherever the same appears therein, and also inserting therein the words "31st day of December," in lieu of the words "30th day of September," wherever the same appears therein; also by changing the annual fiscal and budget year of the several Boards of County Commissioners

of the several counties of the State of Florida, from the 1st day of October to the 30th day of September and from the 1st day of January to the 31st day of December of each year.

Also—

House Bill No. 481:

A bill to be entitled An Act relating to formation, organization, powers and duties of corporations, conferring authority to form corporations and providing a general incorporation law, and providing for the license or franchise tax on corporations organized hereunder.

Also—

House Bill No. 313:

A bill to be entitled An Act relating to the licensing of insurance agents, and prescribing the license tax of agents operating in more than one county in Florida, and of insurance adjusters.

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,

B. A. MEGINNISS,

Chief Clerk House of Representatives.

And House Bill No. 458, contained in the above message, was read the first time by its title and referred to the Committee on Judiciary B.

And House Bill No. 481, contained in the above message, was read the first time by its title and was referred to the Committee on Corporations.

And House Bill No. 313, contained in the above message, was read the first time by its title and was referred to the Committee on Insurance.

Mr. Butler moved that vote by which the Senate Substitute amendment to Senate Bill No. 9, offered by Mr. Lindsey be reconsidered.

Which motion was laid over under the rules.

Also—

The following message from the House of Representatives was received:

House of Representatives,
Tallahassee, Fla., May 14, 1923.

Hon. T. T. Turnbull,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—
Senate Bill No. 480:

A bill to be entitled An Act to require the Board of Commissioners of State Institutions and the Commissioner of Agriculture to prohibit corporal punishment on County convicts forever, and to prohibit the use of corporal punishment upon State convicts for a period of two years, and to devise other punishment to supply and take the place of corporal punishment.

Together with the following amendments.

In Section 2, line 4, strike out all after the word "convicts" and insert in lieu thereof the word "forever."

Also—

In title, line 5, strike out the words "for a period of two years" and insert in lieu thereof the word "forever."

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,

B. A. MEGINNISS,

Chief Clerk House of Representatives.

And the House of Representative amendments to Senate Bill No. 480, as contained in the above message, were read and placed before the Senate for consideration.

Mr. Stokes moved to make the House amendments, as contained in the message, a special order for consideration at 12 o'clock today.

Which was agreed to.

Mr. Etheredge moved to waive the rules, and that the Senate request the Governor to return to the Senate House Bill No. 566 for the purpose of the correction of an error.

Which was agreed to by a two-thirds vote.

And the Secretary was so instructed.

Also—

The following message from the House of Representatives was received:

House of Representatives,
Tallahassee, Florida, May 12, 1923.

Hon. T. T. Turnbull,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—
House Bill No. 808:

A bill to be entitled An Act to prohibit the infliction of corporal punishment upon convicts in the State of Florida.

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,

B. A. MEGINNISS,
Chief Clerk House of Representatives.

And House Bill No. 808, contained in the above message, was read the first time by its title.

Mr. Stokes moved to waive the rules and to make the consideration of House Bill No. 808 a special order for 12 o'clock today.

Upon which a yea and nay vote was demanded.

The roll was called and the following was the vote:

Yeas—Senators Butler, Calkins, Colson, Eaton, Etheredge, Hodges, MacWilliams, Malone, Mapoles, Mitchell, Phillips, Russell, Stokes, Taylor, Wells—15.

Nays—Mr. President, Senators Anderson, Cone, Epperson, Igou, Lindsey, Overstreet, Rowe, Scales, Shelley, Wicker—10.

So the motion was not agreed to.

The following pair was announced:

Mr. President:

I am paired with Senator Campbell. If he was present he would vote to waive the rules, and I would vote against the same.

D. E. KNIGHT.

And House Bill No. 808 was referred to the Committee on Prison and Convicts.

The following message from the House of Representatives was received:

House of Representatives,
Tallahassee, Fla., May 14, 1923.

Hon. T. T. Turnbull,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

House Bill No. 908:

A bill to be entitled An Act giving the City of Fort Myers, Lee County, Florida, the right to pave, grade, curb, lay out, open, repair, lay water mains or otherwise permanently improve the streets of said city, and to assess ninety per cent of the cost thereof against the abutting property and giving to the city a lien for the cost of such improvements, of prior dignity to all liens except taxes, and providing for the issuance of certificates of indebtedness for such costs, and providing for their payment or collection.

Also—

House Bill No. 909:

A bill to be entitled An Act amending Sections 1, 2, 10 and 50 of the charter of the City of Fort Myers as adopted at an election held in said city on the 21st day of April, A. D. 1921, and ratified and validated by Chapter 8953 of the Special Acts of the Legislature of Florida, 1921.

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,

B. A. MEGINNISS,
Chief Clerk House of Representatives.

And House Bills Nos. 908 and 909, contained in the above message, were read the first time by their titles and were placed on the Calendar of Local Bills on the second reading without reference.

Also—

The following message from the House of Representatives was received:

House of Representatives,
Tallahassee, Florida, May 14, 1923.

Hon. T. T. Turnbull,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—
House Bill No. 861:

A bill to be entitled An Act to legalize, ratify, confirm and validate the Acts and proceedings of the Board of Commissioners of the City of Pensacola, Florida, in connection with the issuance of fifty thousand dollars (\$50,000) certificates of indebtedness of said city, authorized by Ordinance No. 13, Series No. 12, passed by said Board of Commissioners January 29, 1923 also legalizing, ratifying, confirming and validating said certificates of indebtedness and declaring same to be general obligations of the City of Pensacola, Florida.

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,
B. A. MEGINNISS,
Chief Clerk House of Representatives.

And House Bill No. 861, contained in the above message was read the first time by its title and was placed on the Calendar of Local Bills on Second Reading.

By Consent—

Mr. Taylor withdrew Senate Bill No. 68, from the consideration of the body.

ORDERS OF THE DAY.

By consent the following report of the Committee on Appropriations was submitted and read:

Mr. Hodges, Chairman of the Committee on Appropriations, submitted the following report:

Senate Chamber,
Tallahassee, Fla., May 11, 1923.

Hon. T. T. Turnbull,
President of the Senate.

Sir:

Your Committee on Appropriations, to whom was referred—

Senate Bill No. 105:

A bill to be entitled An Act making appropriations for salaries and other current expenses of the State for two years from June 30th, 1923; have had the same under consideration and beg to report a Committee Substitute Bill with the following title:

A bill to be entitled An Act making appropriations for salaries and other current expenses of the State for two years from June 30th, 1923.

And Recommend that the substitute do pass.

Very respectfully,
W. C. HODGES,
Chairman of Committee.

The substitute was read the first time, and on motion of Hodges, was made the special order for consideration on Thursday, May 18, 1923, at 11 o'clock A. M. and that 200 copies of same be printed.

By consent—

Senate Joint Resolution No. 358:

A Joint Resolution proposing an amendment of Section 1 of Article 9 of the Constitution of the State of Florida, relating to taxation.

Was taken up.

Mr. Stokes offered the following substitute for Senate Joint Resolution No. 358, which was read the first time, as follows:

Committee Substitute for Senate Joint Resolution No. 358:

A Joint Resolution proposing an amendment to Section 1 of Article 9 of the Constitution of the State of Florida, relating to taxation and finance.

Be it Resolved by the Legislature of the State of Florida, That the following amendment of Section 1 of Article 9, of

the Constitution of the State of Florida, relating to taxation and finance, is hereby agreed to and shall be submitted to the electors of the State for adoption or rejection at the next general election of representatives, to be held in the year 1924; that is to say, that Section 1, Article 9, of the Constitution of the State of Florida, be amended to read as follows:

Section 1. The Legislature shall provide for a uniform and equal rate of taxation, except that it may provide for special rate or rates on intangible property, but such special rate or rates shall not exceed five mills on the dollar of the assessed valuation of such intangible property, which special rate or rates, or the taxes collected therefrom, may be apportioned by the Legislature, and shall be exclusive of all other State, county, district and municipal taxes; and shall prescribe such regulations as shall secure a just valuation of all property, both real and personal, excepting such property as may be exempted by law for municipal, educational, literary, scientific, religious or charitable purposes. And there shall be exempt from all taxation to the head of each family residing in this State, household goods and personal effects to the value of five hundred (\$500.00) dollars.

Mr. Stokes moved to waive the rules and that Substitute for Senate Joint Resolution No. 358 be read the second time.

Which was agreed to by a two-thirds vote.

And Substitute for Senate Joint Resolution No. 358 was read the second time in full.

Mr. Stokes moved to adopt the Substitute to Senate Joint Resolution No. 358, in lieu of the original resolution.

Which was agreed to.

And the Substitute for Senate Joint Resolution No. 358 took the place of the original resolution.

Mr. Epperson offered the following amendment to Substitute for Senate Joint Resolution No. 358:

Strike out the words five mills wherever it occurs and insert in lieu thereof the following: Three mills.

Mr. Epperson moved the adoption of the amendment.

Which was not agreed to.

Mr. Stokes moved that the rules be further waived and that Senate Substitute for Senate Joint Resolution No. 358 be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Substitute for Senate Joint Resolution No. 358 was read a third time in full, as follows:

Substitute for Senate Joint Resolution No. 358:

A Joint Resolution proposing an amendment to Section 1 of Article 9, of the Constitution of the State of Florida, relating to taxation and finance.

Be it resolved by the Legislature of the State of Florida, that the following amendment of Section 1 of Article 9, of the Constitution of the State of Florida, relating to taxation and finance, is hereby agreed to and shall be submitted to the electors of the State for adoption or rejection at the next general election of Representatives, to be held in the year 1924; that is to say, that Section 1, Article 9, of the Constitution of the State of Florida, be amended to read as follows:

Section 1. The Legislature shall provide for a uniform and equal rate of taxation, except that it may provide for special rate or rates on intangible property, but such special rate or rates shall not exceed five mills on the dollar of assessed valuation of such intangible property, which special rate or rates, or the taxes so collected therefrom, may be apportioned by the Legislature, and shall be exclusive of all other State, County, district and municipal taxes; and shall prescribe such regulations as shall secure a just valuation of all property, both real and personal, excepting such property as may be exempted by law for municipal, educational, literary, scientific, religious or charitable purposes. And there shall be exempt from all taxation to the head of each family residing in this State, household goods and personal effects to the value of Five Hundred (\$500.00) Dollars.

Upon call of the roll on the passage of Substitute for Senate Joint Resolution No. 358, the vote was:

Yeas—Mr. President, Senators Anderson, Butler, Calkins, Eaton, Etheredge, Hodges, Igou, Knight, Lindsey, MacWilliams, Malone, Mapoles, Mitchell, Overstreet, Phillips, Russell, Shelley, Stokes, Taylor, Wells, Wicker—22.

Nays—Senator Epperson—1.

So Substitute for Senate Joint Resolution No. 358 passed by the Constitutional vote of three-fifths of all the members elected to the Senate of 1923 session.

And the same was ordered certified to the House of Representatives.

The hour having arrived for the special consideration of—

Senate Bill No. 297:

A bill to be entitled An Act to amend Section 2772, Revised General Statutes of Florida, in reference to selecting jury lists for Circuit Courts, Criminal Courts of Record and County Judge's Courts and to prescribe the compensation of jurors in County Judges' Court.

The same was taken up in its order and read the Second time in full.

Mr. Mapoles offered the following amendment to Senate Bill No. 297:

In Section 3, line 5, strike out the word "eighteen" and insert in lieu thereof the following: "twelve."

Mr. Mapoles moved the adoption of the amendment.

Which was agreed to.

Mr. Mapoles offered the following amendment to Senate Bill No. 297:

Add as Section 4: No County Judge's Court in this State shall be held more often than once each month.

Mr. Mapoles moved the adoption of the amendment.

Which was agreed to.

And Senate Bill No. 297 as amended was ordered referred to Committee on Engrossed Bills.

Senate Bill No. 189:

Senate Bill No. 189 was continued as an order of the day.

Senate Bill No. 205:

A bill to be entitled An Act to protect and encourage the shell fish industry of the State of Florida.

Was taken up and was read the second time in full.

Mr. Shelley moved that the rules be further waived and that Senate Bill No. 205 be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 205 was read a third time in full. Upon call of the roll on the passage of the bill the vote was:

Yeas—Mr. President, Senators Anderson, Calkins, Cone, Eaton, Epperson, Etheredge, Hodges, MacWilliams, Malone, Mapoles, Overstreet, Rowe, Russell Scales, Shelley, Stokes, Taylor, Wells, Wicker—20.

Nays—Senators Knight, Mitchell—2.

So the bill passed, title as stated.

And the same was ordered certified to the House of Representatives immediately.

Mr. Scales moved that Senate Bill No. 187 be taken up out of its order and now considered.

Which was agreed to by a two-thirds vote.

And—

Senate Bill No. 187:

A bill to be entitled An Act to protect and regulate the salt water fishing industry of the State of Florida.

Was taken up.

Mr. Calkins moved that the consideration of Senate Bill 187 be informally passed over.

Which was agreed to.

Mr. MacWilliams moved that when the Senate adjourns it shall adjourn to 4 o'clock P. M.

Which was agreed to.

The hour having arrived for the consideration of—

Senate Bill No. 480:

A bill to be entitled An Act to require the Board of Commissioners of State Institutions and the Commissioner of Agriculture to prohibit corporal punishment on County convicts forever, and to prohibit the use of corporal punishment upon State convicts for a period of two years, and to devise other punishment to supply and take the place of corporal punishment.

(With House amendments thereto.)

The same was taken up.

Amendment No. 1: "In Section 2, line 4, strike out all after the word "convicts" and insert in lieu thereof the word "forever."

Was read.

Pending the consideration of which—

The hour of adjournment having arrived, the Senate took a recess until 4 o'clock P. M. today.

AFTERNOON SESSION.

The Senate met at 4 o'clock P. M.

The President in the Chair.

The following Senators answered to their names:

Mr. President, Senators Anderson, Butler, Calkins, Colson, Cone, Eaton, Epperson, Etheredge, Hodges, Igou, Johnson, Knabb, Knight, Lindsey, MacWilliams, Malone, Mapoles, Mitchell, Overstreet, Phillips, Rowe, Russell, Scales, Shelley, Singletary, Stokes, Taylor, Wells, Wicker—30.

A quorum present.

The printed daily Journal of Friday, May 4, 1923, is hereby corrected: On line 1 of page 44 of said Journal to read "Mr. Calkins moved to waive the rules and that Senate Bill No. 231 be taken" instead of "Mr. Calkins moved that Senate Bill No. 231 be taken" as appearing in said daily Journal.

By consent, the following reports were submitted:

Mr. Singletary, Chairman of the Committee on Engrossed Bills, submitted the following report:

Senate Chamber,
Tallahassee, Fla., May 14, 1923.

Hon. T. T. Turnbull,
President of the Senate.

Sir:

Your Committee on Engrossed Bills, to whom was referred (with amendments) after third reading—

Senate Bill No. 297:

A bill to be entitled An Act to amend Section 2772, Revised General Statutes of Florida, in reference to selecting jury lists for Circuit Courts, Criminal Courts of Record and County Judge's Courts, and of prescribing compensation to jurors in County Judge's Courts.

Have carefully examined the same, and find same correctly engrossed, and return same herewith.

Very respectfully,

W. J. SINGLETARY,
Chairman of Committee.

And Senate Bill No. 297, contained in the above report, was ordered to be placed on the Calendar of Bills on third reading.

Mr. Rowe, Chairman of the Joint Committee on Enrolled Bills on the part of the Senate, submitted the following report:

Senate Chamber,
Tallahassee, Florida, May 14, 1923.

Hon. T. T. Turnbull,
President of the Senate.

Sir:

Your Joint Committee on Enrolled Bills, to whom was referred—

(Senate Bill No. 437):

A bill to be entitled An Act to validate the proceedings of the Town of Greenville, Florida in relation to the calling of an election for the issuance of bonds in the sum of \$30,000.00 for a water works system and electric light system for said town, and all acts and proceedings pertaining to the holding of the election and declaration of the result thereof, and providing for the execution and issuance of said bonds and the levying and collection of taxes to pay same.

Also—

(Senate Bill No. 188):

An Act to further provide for and maintain the Dade Memorial Park and to make appropriation therefor.

Also—

(Senate Bill No. 231):

An Act to amend Section 6102 of the Revised General Statutes of Florida providing when Grand Jury of another County may indict for crimes committed outside such County and relating to the place of trial.

Have examined the same and find them correctly enrolled.

The same having been duly signed by the Speaker and Chief Clerk of the House of Representatives, we herewith

present the same for the signatures of the President and Secretary of the Senate.

Very respectfully,

R. H. Rowe,

Chairman of the Joint Committee on Enrolled Bills on the Part of the Senate.

The bills contained in the above report have been duly signed by the President and Secretary of the Senate in open session and ordered referred to the Joint Committee on Enrolled Bills on the part of the Senate, to be conveyed to the Governor for his approval.

Mr. Rowe, Chairman of the Joint Committee on Enrolled Bills on the Part of the Senate, submitted the following report:

Senate Chamber,
Tallahassee, Florida, May 14, 1923.

Hon. T. T. Turnbull,
President of the Senate.

Sir:

Your Joint Committee on Enrolled Bills, to whom was referred—

(Senate Bill No. 378):

An Act to establish Dade Drainage District in this State and define its boundaries, to create a Board of Supervisors for said district, and to define its powers, authorizing the construction of canals, drains, dikes, reservoirs and other works for the reclamation and benefit of the lands embraced in said district, and to levy assessments of taxes upon the lands embraced in such district, and to provide for the collection of the same, and the sale of lands to enforce the collection of such assessments, and to authorize the Board of Supervisors of said District to borrow money and to issue bonds and dispose of the same, to procure money to carry out the provisions of this Act, to prevent injury to any works construction under this Act, and to provide a penalty for violating such provisions; providing for the joint control and supervision of certain drainage works by Board of Commissioners of Everglades

Drainage District, Board of Supervisors of Dade Drainage District, and Board of Supervisors of Southern Drainage District; and to amend Section 2 of Chapter 8871, Laws of Florida, Acts of 1921, and to amend Section 6 of Chapter 8871, Laws of Florida, Acts of 1921.

Also—

(Senate Bill No. 423):

An Act giving and granting to Graves Brothers Company, a corporation, its successors and assigns, the consent and authority of the State of Florida to erect, construct, build, control and operate a bridge for tram road and logging road purposes over and across Crooked River, a navigable stream, in the county of Franklin, and State of Florida.

Also—

(Senate Bill No. 327):

An Act to amend Sections 4056 and 4054 of the Revised General Statutes as amended by Chapter 8460, Acts of 1921, relating to the par value and payment of subscriptions to capital stock of corporations for profit and certain requisites before transacting business, also to amend Section 4087 of the Revised General Statutes relating to the method of amending the charter of the corporation for profit; and to amend Section 4052 of the Revised General Statutes relating to the issue of letters patent for corporation for profit.

Have examined the same and find them correctly enrolled.

The same having been duly signed by the Speaker and Chief Clerk of the House of Representatives, we herewith present the same for the signatures of the President and Secretary of the Senate.

Very respectfully,

R. H. ROWE,

Chairman of the Joint Committee on
Enrolled Bills on the Part of the Senate.

The bills contained in the above report were duly signed by the President and Secretary of the Senate in open session and ordered referred to the Joint Committee on Enrolled Bills on the Part of the Senate, to be conveyed to the Governor for his approval.

Mr. Rowe, Chairman of the Joint Committee on Enrolled Bills on the part of the Senate, submitted the following report:

Senate Chamber,
Tallahassee, Fla., May 14, 1923.

Hon. T. T. Turnbull,
President of the Senate.

Sir:

Your Committee on Enrolled Bills, to whom was referred—

(Senate Concurrent Resolution No. 7):

Be It Resolved by the Senate, the House of Representatives concurring, That the Honorable William J. Bryan be and he is invited to address the Legislature in the chamber of the House of Representatives at four o'clock P. M. today, Friday, May 11, 1923.

Also—

(Senate Bill No. 84):

An Act to amend Section 5071 of the Revised General Statutes of Florida, relating to cruelty to children.

Also—

(Senate Bill No. 46):

An Act regulating the summons of petit jurors in Circuit Criminal and County Courts; and the summons of grand jurors in the Circuit Court, amending Section 2787 of the Revised General Statutes of Florida, with certain exceptions.

(Senate Joint Resolution No. 255):

Proposing an amendment of Section 3 of Article 7 of the Constitution of the State of Florida, relating to census and apportionment.

Have examined the same and find them correctly enrolled.

The same having been duly signed by the Speaker and Chief Clerk of the House of Representatives, we herewith

present the same for the signatures of the President and Secretary of the Senate.

Very respectfully,

R. H. ROWE,

Chairman of the Joint Committee on
Enrolled Bills on the Part of the Senate.

The bills and Joint Resolution contained in the above report were duly signed by the President and Secretary of the Senate in open session and ordered referred to the Joint Committee on Enrolled Bills on the part of the Senate, to be conveyed to the Governor for his approval.

Mr. Rowe, Chairman of the Joint Committee on Enrolled Bills on the part of the Senate, submitted the following report:

Senate Chamber,
Tallahassee, Florida, May 14, 1923.

Hon. T. T. Turnbull,
President of the Senate.

Sir:

Your Joint Committee on Enrolled Bills, to whom was referred—

(House Bill No. 722):

An Act relating to and authorizing Volusia County, Florida, to purchase the three bridges across the Halifax River at Daytona; relating to and authorizing the Board of County Commissioners of said County to issue time warrants or bonds for such purpose and also to repair or rebuild said bridges, any or all; and relating to and authorizing the County Commissioners of said County to fix and collect tolls and charges thereon.

Also—

(House Bill No. 594):

An Act to abolish the present municipality of the Town of Eu Gallie, Brevard County, Florida, and to create and establish a Municipal Corporation to be known as the City of Eau Gallie, Brevard County, Florida; to prescribe the territorial limits thereof; to prescribe the form of government and confer certain powers upon said municipality and

the officers thereof, and to provide for the carrying into effect of the provisions of this Act.

Have examined the same and find them correctly enrolled.

The same having been duly signed by the Speaker and Chief Clerk of the House of Representatives, we herewith present the same for the signatures of the President and Secretary of the Senate.

Very respectfully,

R. H. Rowe,
Chairman of the Joint Committee on Enrolled
Bills on the Part of the Senate.

The bills contained in the above report have duly signed by the President and Secretary of the Senate in open session and ordered referred to the Joint Committee on Enrolled Bills on the part of the Senate, to be conveyed to the Governor for his approval.

Mr. Rowe, Chairman of the Joint Committee on Enrolled Bills on the part of the Senate, submitted the following report:

Senate Chamber,
Tallahassee, Fla., May 14, 1923.

Hon. T. T. Turnbull,
President of the Senate.

Sir:

Your Joint Committee on Enrolled Bills, to whom was referred—

(House Bill No. 629):

An Act to authorize Sarasota County to issue negotiable time warrants in the amount of fifty thousand (\$50,000.00) dollars for county purposes.

Also—

(House Bill No. 460):

An Act to amend Section 4 of An Act of the Legislature of the State of Florida approved April 26, A. D. 1919, entitled "An Act to abolish the present municipal government of Okeechobee, Florida, to legalize and validate the ordinances and all official acts thereunder, and to fix its

territorial boundaries, jurisdictions, and powers of its officers," and known as Chapter 8318, Acts of 1919.

Also—

(House Bill No. 307):

An Act to amend Section 3043, Revised General Statutes of Florida, 1920, as amended by Chapter 8484, Acts of 1921, relating to the time of holding the regular term of the Circuit Court of the Second Judicial Circuit of Florida.

Also—

(House Bill No. 866):

An Act authorizing the City Utilities Commission of the City of Orlando, Florida, to incur certain indebtedness and to issue its promissory notes therefor.

Also—

(House Bill No. 686):

An Act authorizing the Cocoa Drainage District to borrow money, and issue notes therefor, payable out of annual installment and maintenance taxes.

Also—

(House Bill No. 865):

An Act creating a public utilities commission; providing for the election of its members; prescribing their duties, and authorizing the said Commission to incur indebtedness and borrow money under certain conditions; and to sell electrical merchandise, electricity, power and water to consumers within and beyond the city limits of the City of Orlando.

Have examined the same and find them correctly enrolled.

The same having been duly signed by the Speaker and Chief Clerk of the House of Representatives, we herewith present the same for the signatures of the President and Secretary of the Senate.

Very respectfully,

R. H. ROWE,
Chairman of the Joint Committee on Enrolled Bills on
the Part of the Senate.

The bills contained in the above report have been duly signed by the President and Secretary of the Senate in open session and ordered referred to the Joint Committee

on Enrolled Bills on the part of the Senate to be conveyed to the Governor for his approval.

Mr. Taylor moved to waive the rules and that the Senate do now take up messages from the House of Representatives for consideration.

Which was agreed to by a two-thirds vote.

The following message from the House of Representatives was received:

House of Representatives,
Tallahassee, Florida, May 14, 1923.

Hon. T. T. Turnbull,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—
House Bill No. 918:

A bill to be entitled An Act to legalize and validate the proceedings for the issuance of bonds of the City of West Tampa, Florida, in the amount of \$65,000.00 for the purpose of refunding \$60,000.00 of bonds of said city and funding the floating indebtedness thereof, which bonds were voted at a special election held in said city on January 4, 1923; to authorize a change in the denomination of said bonds and a modification of the decree validating the same, and to repeal an Act passed by the Senate April 10th, 1923, and by the House of Representatives April 11th, 1923, which became a law without the approval of the Governor April 28th, 1923, relating to the validation and change in the denomination of the aforesaid bonds.

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,
B. A. MEGINNISS,
Chief Clerk House of Representatives.

And House Bill No. 918, contained in the above message, was read the first time by its title.

Mr. Taylor moved that the rules be waived and House Bill No. 918 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 918 was read a second time by its title only.

Mr. Taylor moved that the rules be further waived and that House Bill No. 918 be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 918 was read a third time in full.

Upon call of the roll on the passage of the bill the vote was:

Yeas—Mr. President, Senators Anderson, Butler, Calkins, Cone, Eaton, Epperson, Etheredge, Hodges, Igou, Johnson, Knabb, Knight, Lindsey, MacWilliams, Malone, Mapoles, Mitchell, Overstreet, Phillips, Rowe, Russell, Shelley, Stokes, Taylor, Wells, Wicker—27.

Nays—None.

So the bill passed, title as stated.

And the same was ordered certified to the House of Representatives immediately.

The Senate resumed the consideration of messages from the House of Representatives.

Also—

The following message from the House of Representatives was received:

House of Representatives,
Tallahassee, Fla., May 14, 1923.

Hon. T. T. Turnbull,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—
Senate Bill No. 103:

A bill to be entitled An Act making an appropriation to pay a portion of the costs of the paving of a street in the City of Gainesville, Florida, known as University Avenue, extending from its intersection with the East boundary line of Section 6, Township 10, South, Range 20 East, westerly to its intersection with the west boundary line of said section, where said street abuts upon either side of the lands used for the University of the State of Florida, and be-

longing to and the title to which is vested in the Board of Education of said State.

Also—

Senate Bill No. 186:

A bill to be entitled An Act authorizing the sale and disposition of sand and gravel from certain lands in this State and to provide for the disposition of the funds arising therefrom.

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,

B. A. MEGINNISS,

Chief Clerk House of Representatives.

And Senate Bills Nos. 103 and 186, contained in the above message, were referred to the Committee on Enrolled Bills.

Also—

The following message from the House of Representatives was received:

House of Representatives,
Tallahassee, Florida, May 14, 1923.

Hon. T. T. Turnbull,

President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed by the Constitutional Three-fifths (3-5) vote of all the members elected to the House of Representatives for the session of 1923.

Substitute for Senate Joint Resolution No. 135:

A Joint Resolution proposing an amendment to Article IX of the Constitution of the State of Florida, relative to taxation and finance:

Be it Resolved by the Legislature of the State of Florida:

That the following amendment to Article IX of the Constitution of the State of Florida, relative to taxation and finance, to be numbered Section Eleven (11) of said Article IX, be and the same is hereby agreed to and shall be submitted to the electors of the State at the general election to be held on the first Tuesday after the first Monday in November, A. D. 1924, for ratification or rejection, to-wit:

Section 11. No tax upon inheritance or upon the income of residents or citizens of this State shall be levied by the State of Florida, or under its authority, and there shall be exempt from taxation to the head of a family residing in this State, household goods and personal effects to the value of Five Hundred (\$500.00) Dollars.

And respectfully requests the concurrence of the Senate thereto.

Very respectfully,

B. A. MEGINNISS,

Chief Clerk House of Representatives.

And Senate Joint Resolution No. 135, contained in the above message, was referred to the Committee on Enrolled Bills.

Upon the request of Mr. Stokes, House Bill No. 297 was restored to the Calendar.

Senator Putnam was excused from attendance upon the body until Tuesday, May 15.

The Senate resumed the consideration of the motion of Mr. Stokes, to concur in the House amendment to—

Senate Bill No. 480:

A bill to be entitled An Act to require the Board of Commissioners of State Institutions and the Commissioner of Agriculture to prohibit corporal punishment on county convicts forever, and to prohibit the use of corporal punishment upon State convicts for a period of two years, and to devise other punishment to supply and take the place of corporal punishment.

Which House amendment reads as follows:

"In Section 2, line 5, strike out the word 'convicts' and insert in lieu thereof the word 'forever.'"

And which motion to concur in House amendment was pending at the recess hour.

A yea and nay vote was demanded upon the motion to concur to the above amendment.

The roll was called and the vote was:

Yeas—Senators Butler, Calkins, Eaton, Etheredge, Hodges, Knabb, MacWilliams, Malone, Mapoles, Mitchell, Phillips, Rowe, Russell, Stokes, Taylor, Wells—16.

Nays—Mr. President, Senators Anderson, Colson, Cone, Epperson, Igou, Johnson, Lindsey, Overstreet, Scales, Shelley—12.

I am paired with Senator Campbell on House Amendment No. 1 to Senate Bill No. 480. If he were present he would vote to concur and I would vote not to concur.

D. E. KNIGHT.

So the Senate concurred in the House Amendment to Senate Bill No. 480.

The second amendment of the House of Representatives to Senate Bill No. 480 was read as follows:

"In the title, line 5, strike out the words 'for a period of two years' and insert in lieu thereof the word 'forever'."

Was placed before the Senate.

Mr. Stokes moved that the Senate do concur in said amendment.

Which was agreed to.

And the concurrence of the Senate to the House Amendment to Senate Bill No. 480 as read.

Mr. Lindsey moved that the Senate do now take up the continuing order of Senate Bill No. 431:

Mr. Phillips moved as a Substitute that the Senate do now take up and consider the continuing order of Senate Bill No. 419.

Pending the consideration of which—

Mr. MacWilliams moved that the Senate do now go into the consideration of executive matters:

Which was agreed to.

And the Chamber and gallery being duly cleared, the Senate doors were closed at 5:05 o'clock P. M., and the Senate went into executive session. The doors of the Chamber were thrown open at 5:25 o'clock P. M. and the Senate resumed its regular session.

The President in the chair.

The roll was called and the following Senators answered to their names:

Mr. President, Senators Anderson, Butler, Calkins, Cone, Eaton, Epperson, Etheredge, Hodges, Igou, Johnson, Knabb, Knight, Lindsey, MacWilliams, Malone, Mitchell, Overstreet, Phillips, Rowe, Russell, Scales, Stokes, Wells, Wicker—25.

Mr. Stokes moved that Senate Bills Nos. 419, 431 and 314 go over temporarily and be again made a continuing order.

Which was agreed to.

By consent, the following bills were introduced:

By Mr. Hodges—

Senate Bill No. 494:

A bill to be entitled An Act for the relief of the estate of Charles Munroe and R. H. Alligood of Tallahassee, Florida.

Which was read the first time by its title and referred to the Committee on Claims.

By Mr. Mitchell—

Senate Bill No. 495:

A bill to be entitled An Act to amend Section 1, Chapter 8494, Acts of 1921, Laws of Florida, relating to the compensation of State Attorneys.

Which was read the first time by its title and referred to the Committee on Judiciary B.

By Mr. Phillips—

Senate Bill No. 496:

A bill to be entitled An Act to authorize the City of Lake City to levy and collect a special tax of not more than three mills for publicity purposes.

Which was read the first time by its title and the bill was placed on the Calendar of Local Bills on the Second Reading without reference.

Mr. Butler moved to waive the rule and that his motion to reconsider the vote by which the Senate adopted the amendment of Mr. Lindsey to Senate Bill No. 9, which amendment as adopted reads as follows:

In Section 1 strike out the words "one cent per gallon of which tax shall go to the State of Florida and two cents per gallon of which tax shall go to the county in which such products are delivered by the dealer," and insert in lieu thereof the following: "two cents per gallon of such tax shall go to the State of Florida and one cent per gallon of such tax shall be equally divided between the counties of the State of Florida."

Be now taken up for consideration.

Which was agreed to by a two-thirds vote.

And the motion to reconsider was placed before the Senate.

The question was put upon the reconsideration of the vote by which the foregoing amendment was adopted by the Senate.

Upon which a yea and nay vote was demanded.

The roll was called and the vote was:

Yeas—Senators Butler, Etheredge, Igou, Overstreet, Stokes, Taylor—6

Nays—Mr. President, Senators Anderson, Calkins, Colson, Cone, Hodges, Johnson, Knabb, Knight, Lindsey, MacWilliams, Malone, Mapoles, Mitchell, Phillips, Russell, Scales, Shelley, Singletary, Wells, Wicker—21.

Mr. Epperson announced the following pair on the vote:

I am paired with Senator Rowe. Were he present he would vote to reconsider. I would vote against reconsideration.

So the Senate refused to reconsider its action.

Mr. Johnson moved that the Senate do now adjourn.

Which was agreed to.

Thereupon the Senate, at 6:50 o'clock P. M., stood adjourned to 10 o'clock A. M. Tuesday, May 15, 1923.

CONFIRMATIONS.

The Senate in Executive Session today consented to the following appointments made by the Governor:

F. Clifton Moore to be a member State Board of Health.

D. H. Bynum, L. W. Owens, W. L. Mowbray, T. H. Stone and G. A. Patton to be Commissioners of Pilotage, Port of St. Joe.

A. Morgan Jones to be Harbor Master, Port of St. Joe.

L. D. Howell to be Solicitor Criminal Court of Record of Duval County.

L. C. Chappel, E. C. Trenholm, J. E. Pettijohn, P. K. Wilson and W. A. Bours to be Commissioners of Pilotage, Port of Jacksonville.

John B. Callahan to be Harbor Master, Port of Jacksonville.

Jas. N. Abercrombie to be Harbor Master, Port of Pensacola.

Dan Gillis, J. M. MacNeal, P. H. Floeger, H. L. Mattair, and G. W. Hill, to be Commissioners of Pilotage, Port of Apalachicola.

J. A. Lovelace to be Harbor Master, Port of Tampa.

P. P. Spear to be Harbor Master, Port of Boca Grande.

E. C. Coram, N. Cicero Platt, V. L. Tillis and E. R. Standish to be Commissioner of Pilotage, Port of Boca Grande.

Arthur Gomez to be Solicitor Criminal Court of Record for Monroe County.

Claude H. Roberts to be Commissioner of Pilotage, Port of Key West.

J. A. Weatherford to be Harbor Master, Port of Key West.

H. C. King, F. H. Hobein, D. P. Mularkey, L. G. Hirth, and John R. Mann to be Commissioners of Pilotage, Port of Fernandina.

Harry G. Taylor to be State Attorney, Tenth Judicial Circuit.

H. B. Phillips, William Corry and E. P. Green to be members State Road Department.

Louis C. Massey and William Hunter, members Commission on Uniformity of Legislation.

L. L. Parks to be Judge of the Thirteenth Judicial Circuit, under Act of 1923.